

Remarks:

Claims 1-4 are now pending. Claim 2 was amended to fix a typographical error. The Examiner rejected claims 1-4 under 35 U.S.C. §103(a) as being unpatentable over Kanji, et al (US2002/0114773). In the rejection, the Examiner describes that Kanji, et al does not teach the specific combination of the above resins (i.e. a MQ resin with a propylsilsesquioxane resin) in a resin composition. The Examiner however, goes on to say that a person skilled in the art would have been motivated to pick these two types of film-forming resins and combine them as part of a composition because they each bring different properties to the composition (the MQ resins are typically harder while the silsesquioxanes are generally continuous and flexible) and combining them can help maximize transfer resistant properties as well as pliability, softness, and wearing comfort of the composition.)

Applicants respectfully disagree. Kanji et al describes using a methyl MQ resin, a methyl silsesquioxane resin (T methyl resin) or a mixture of these resins. Kanji et al also states that the methyl in the silsesquioxane resin and in the MQ resin may be replaced by R which is a longer carbon chain. Although Kanji et al mentions this, they do not provide any teaching that blends of these types of materials will be compatible and therefore useful. Applicants specifically require a MQ resin and a propylsilsesquioxane resin (T propyl resin). As indicated in Table 1 of the present application, the examples of the present application demonstrate the compatibility of the T propyl resins with the MQ resin. This is indicated by examples 1 to 6 which all illustrate “clear” compositions. In contrast, the comparative examples illustrate compositions, as shown in Table 2, where T methyl resins are incompatible with MQ resins. This is indicated by the fact that comparative examples 7 to 15 all illustrate compositions which are “hazy”. Further, Table 2 also shows in Examples 16 and 17 that a T methyl resin is also incompatible with a T propyl resin. Even more important, Table 2 shows that adding a T propyl resin to a blend of MQ resin + T methyl resin cannot keep the blend compatible at room temperature.

As described above, the Examiner states that “a person of ordinary skill in the art would have been motivated to pick these two types of film-forming resins and combine them as a

composition because they each bring different properties to the composition (i.e. the MQ resins are harder while the silsesquioxanes are generally continuous and flexible) and combining them can help maximize transfer resistant properties as well as pliability, softness and wearing comfort of the composition. Applicants agree that a person of ordinary skill in the art may have been motivated to combine an MQ resin and a silsesquioxane, however, since the person skilled in the art understands that materials having similar groups such as the MQ resin + T methyl resin each having methyl groups are more likely to be compatible than materials having different groups such as the present invention which uses a MQ resin and T propyl resin, they would try to combine the MQ resin + T methyl resin. The results of this combination –as shown by Table 2 in the present application is that the blend is not compatible – and therefore would not provide the benefits described by the Examiner. There would be no motivation to try blending different types of polymers with different types of groups when different types of polymers with the same types of groups didn't work.

Applicants reiterate that the present invention is not obvious over Kanji, however even if obvious provides unexpected technical advantages. Applicants therefore submit that the claims of the present application are inventive over Kanji et al and respectfully request the Examiner to reconsider her rejections and allow the case to issue.

Applicants would like to bring to the Examiner's attention copending application No. 10/585837.

This reply is being submitted within the period for response to the outstanding office action. Although the applicants believe in good faith that no extensions of time are needed, the applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application.

You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,

Dow Corning Corporation

/Patricia M. Scaduto/
Patricia M. Scaduto
Reg. No. 39,827
Tel: 989-496-6925